

REMARKS

Applicants file concurrently herewith a Request for Continued Examination (RCE) in response to the Final Office Action mailed February 4, 2008 (hereinafter "Office Action"). In the Office Action, the Examiner objected to the oath/declaration; objected to the drawings; rejected claims 1, 3-5, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,481,710 to Keane et al. (hereinafter, "*Keane*"); rejected claims 9 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,185,591 to Baker et al. (hereinafter, "*Baker*"); rejected claim 2 under 35 U.S.C. § 103(a) as being obvious over *Keane*; rejected claim 6 under 35 U.S.C. § 103(a) as being obvious over *Keane* in view of U.S. Patent No. 6,167,455 to Friedman et al. (hereinafter, "*Friedman*"); rejected claim 8 under 35 U.S.C. § 103(a) as being obvious over *Keane* in view of U.S. Patent No. 5,524,205 to Lomet et al. (hereinafter, "*Lomet*"); and rejected claim 10 under 35 U.S.C. § 103(a) as being obvious over *Baker*.

By this response, Applicants have amended claims 1, 9 and 14. Support for the amendments to claims 1 and 14 can be found in the specification on page 1 in the fifth paragraph, which begins with "In general,....," and on page 2 in the second paragraph, which begins with "The state of...." Support for the amendment to claim 9 can be found one page 4 in the third paragraph which begins with "The undo mechanism...." No new matter has been added. Accordingly, claims 1-6 and 8-14 remain pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicants respectfully traverse the objections to the drawings and claims. In addition, Applicants respectfully traverse the rejection of claims under 35 U.S.C. §§ 102(b) and 103(a), and request allowance of pending claims 1-6 and 8-14.

I. Oath/Declaration

In the Office Action, the Examiner indicated that “[t]he oath or declaration is defective” and that “[a] new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required.” Office Action, p. 3. Specifically, the Examiner indicated that “[t]he oath or declaration is defective because: [i]t does not identify the citizenship of the first inventor.” *Id.* The Examiner indicated that “it appears that no revised oath/declaration is submitted.” *Id.*

In response to the aforementioned objection, Applicants submit herewith a revised Declaration and Power of Attorney, including the citizenship of the first inventor.

II. Drawings

In the Office Action Summary at item 10(a) the Examiner indicated that the Drawings filed June 25, 2007 are accepted. Office Action, p. 1. In the Office Action at p. 3, however the Examiner indicated that “Figure 1 has not been submitted to correct the issue of non-compliance with 37 CFR § 1.121(d).” As an attachment to this response, Applicants submit herewith a copy of each of the Figures 1-5 with the label “Replacement Sheets.” Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

III. Claim Rejection Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1, 3-5, 9, and 11-14 under 35 U.S.C. § 102(b) as anticipated by the cited art. A proper anticipation rejection requires that “each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference.” *M.P.E.P.* § 2131. Applicants

respectfully submit that the cited art fails to disclose all of the subject matter recited in each of the independent claims 1, 9, and 14.

A. Claims 1, 3-5, and 14

Claims 1, 3-5, and 14 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Keane*. *Keane* fails to disclose, *inter alia*, “displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control as a first state for the control in the control data structure,” as recited in independent claim 1.

Keane discloses a “reusable isolated undo/redo service [that] provides application programs with an undo/redo function.” *Keane*, Abstract. *Keane* further discloses that “the undo/redo service establishes an undo stack and a redo stack for each registered application” *Keane*, col. 3, 29-31. According to *Keane*, “[w]henever a registered application performs an action that can be undone, it forms a packet and gives the packet to [a] service . . . [and] the undo or redo processing is performed by the service.” *Keane*, abstract. Further, *Keane* discloses that “the application builds and gives to the undo/redo service a packet that contains at least the identity of the object or objects acted upon by the action and instructions that, when applied to the object or objects, will cause the action to be undone, and instructions that, when applied to the object or objects, will cause the action to be redone.” *Keane*, col. 1, 36-41. However, *Keane* does not teach “each control having a state and a control data structure.” Furthermore, *Keane* does not teach, “storing the state of the control as a first state for the control in the control data structure,” as recited in independent claim 1.

For at least the above-outlined reasons, *Keane* fails to disclose all of the subject matter recited in Applicants' independent claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of independent claim 1, as well as claims 3-5, which depend from independent claim 1.

Independent claim 14, although of differing scope, recites elements similar to that of independent claim 1, and is therefore allowable for at least the same reasons. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claim 14.

B. Claims 9 and 11-13

Claims 9 and 11-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Baker*. However, *Baker* fails to disclose, *inter alia*, "detecting that at least one application control of the plurality of application controls has changed from a prior state to a new state; recording the prior state of the at least one application control; updating at least one of the plurality of data structures based on the new state," as recited in independent claim 9.

Baker discloses "[a]n undo unit records a set (generation) of changes in the document. It comprises all the data necessary to undo an entire edit operation performed on the text, from one character change in one text record, to all the changes done in the context of one global change operation," *Baker*, col. 8, 35-39. *Baker* further discloses, "Undo structure 32 within Undo Stack 31 consists of a linked list of undo records created as changes take place to the document during the edit session, while undo recording is enabled," *Baker* col. 8, 20-23. However, *Baker* does not disclose

“detecting that at least one application control of the plurality of application controls has changed from a prior state to a new state; recording the prior state of the at least one application control,” as recited in independent claim 9.

For at least the above-outlined reasons, *Baker* fails to disclose all of the subject matter recited in Applicants’ independent claim 9. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of independent claim 9, as well as claims 11-13, which depend from independent claim 9.

IV. Claim Rejection Under 35 U.S.C. § 103(a)

In light of the foregoing claim amendments, Applicants respectfully traverse the rejection of claims 2, 6, 8, and 10 under 35 U.S.C. § 103(a) as being obvious over the cited art. A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *M.P.E.P.* § 2142, 8th Ed., Rev. 6 (Sept. 2007). “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” *M.P.E.P.* § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. *M.P.E.P.* §2143.01(III), internal citation omitted.

In addition, when “determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” *M.P.E.P. § 2141.02(I)*, internal citations omitted (emphasis in original). In this application, a *prima facie* case of obviousness has not been established because the prior art does not render obvious the claims.

A. Claim 2

The Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Keane*. To support this position, the Examiner takes Official Notice. Office Action, p. 10. Applicants traverse the taking of Official Notice in the Office Action and respectfully request the Examiner to reconsider and withdraw objections under 35 U.S.C. § 103(a), and allowance of claim 2.

The Office Action alleges that “it is old and well known within the computing art to include one or more of a radio button control type, a table control type, and a tray control type in a user interface” and “it would have been obvious...to include wherein the multiple types of controls include one or more of a radio button control type, a table control type, and a tray control type in a user interface.” Office Action, pp. 10-11. However, that which is “well known within the computing art” does not, *inter alia*, cure the deficiencies set forth above and the failure of *Keane* to disclose “displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control

as a first state for the control in the control data structure,” as recited in claim 1 from which claim 2 depends.

For at least the above-outlined reasons, neither *Keane*, nor any obvious variant thereof, teaches or suggests all the elements of claim 1, from which claim 2 depends. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 2.

B. Claim 6

Applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. §103(a) as being obvious over *Keane* and *Friedman*. A *prima facie* case of obviousness has not been established because, among other things, the cited art fails to teach or suggest each and every element of Applicants' claims.

By virtue of their dependence from independent claim 1, claim 6 calls for a combination including, for example, “displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control as a first state for the control in the control data structure.” As discussed above, *Keane* fails to teach or suggest at least this element of claim 1.

The Examiner cited *Friedman* as teaching “wherein restoring the state of the control includes restoring the state of another control that shares data with the control” Office action, p. 11. Even assuming the Examiner's characterization of *Friedman* is correct, an assertion to which Applicants do not assent, *Friedman* fails to cure the deficiencies of *Keane*, as discussed above. That is, *Friedman* also fails to teach or

suggest at least “displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control as a first state for the control in the control data structure,” as recited in independent claim 1.

For at least the above-outlined reason, neither *Keane*, nor *Friedman*, teach or suggest all the elements of claim 1 from which claim 6 depends. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 6.

C. Claim 8

Applicants respectfully traverse the rejection of claim 8 under 35 U.S.C. § 103(a) as being obvious over *Keane* and *Lomet*. A *prima facie* case of obviousness has not been established because, among other things, the cited art fails to teach or suggest each and every element of Applicants' claims.

By virtue of its dependence from independent claim 1, claim 8 calls for a combination including, for example, “displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control as a first state for the control in the control data structure.” As discussed above, *Keane* fails to teach or suggest at least this element of claim 1.

The Examiner cited *Lomet* as teaching “wherein restoring the state of the control occurs prior to transmitting the state of the control to a server” Office Action, p. 12.

Even assuming the Examiner's characterization of *Lomet* is correct, an assertion to which Applicants do not assent, *Lomet* fails to cure the deficiencies of *Keane*, as discussed above. That is, *Lomet* also fails to teach or suggest at least "displaying a user interface in a client program, the user interface having a plurality of controls, the plurality of controls including multiple types of controls, each control having a state and a control data structure; for each control in the plurality of controls, storing the state of the control as a first state for the control in the control data structure," as recited in independent claim 1.

For at least the above-outlined reason, neither *Keane*, nor *Lomet*, teach or suggest all the elements of claim 1 from which claim 8 depends. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 8.

D. Claim 10

The Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Baker*. To support this position, the Examiner takes Official Notice. See Office Action, p. 13. As explained below, Applicants traverse the taking of Official Notice in the Office Action and respectfully request the Examiner to reconsider and withdraw objections under 35 U.S.C. § 103(a), and allowance of claim 10.

The Office Action alleges that "a tree is a widely used data structure that emulates a tree structure with a set of linked nodes" and "it would be been obvious...to include wherein the at least one data structure is at least one data tree." Office Action, p. 13. However, that does not, *inter alia*, cure the deficiencies set forth above and the failure of *Baker* to disclose "detecting that at least one application control of the plurality

of application controls has changed from a prior state to a new state; recording the prior state of the at least one application control; updating at least one of the plurality of data structures based on the new state," as recited in claim 9 from which claim 10 depends.

For at least the above-outlined reasons, neither *Baker*, nor any obvious variant thereof, teaches or suggests all the elements of claim 10, which depends from independent claim 9. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claim 10.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration of this application and the timely allowance of the pending claims.

In addition, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2008

By: 

Jeffrey A. Berkowitz
Registration No. 36,743

Attachments: Revised Declaration and Power of Attorney (2 pages)
Replacement Sheets 1, 2, and 3, replacing FIGS. 1, 2, 3, 4, and 5